REMARKS

The present Communication is in response to the Official Action mailed on July 25, 2005. Claims 1-3 and 5-11 are pending. In the Official Action, the Examiner has rejected all of the claims under 35 U.S.C. § 103(a) as being unpatentable on the basis of obviousness in view of U.S. Patent No. 6,201,948 to Cook et al. ("Cook"). For the reasons explained below, it is respectfully submitted that the Examiner has not made a *prima facie* case of obviousness to support the rejection of the currently pending claims under § 103(a).

As an overall matter, the Examiner has not provided a complete element-by-element analysis showing where each of the claimed elements is found in Cook or how each claim element missing from Cook is rendered obvious in view of Cook. Thus, a *prima facie* case of obviousness has not been made. However, even if one were to attempt to provide an element-by-element analysis between Cook and the presently claimed invention, such an analysis would show that Cook falls well short of rendering obvious the present claims. Namely, Cook fails to disclose, teach or suggest a number of claim limitations relating to the "shared scene" aspects of the present invention. Indeed, the Examiner has only pointed to disclosures in Cook which relate to the use of *objects*, not shared scenes, which objects are common among multiple screens that are displayed.

As a general matter, there is a fundamental difference between the present invention, which relates to how an editor creates or programs visual screens for display, and Cook. In particular, the presently claimed invention relates to editing apparatus and methods that allow an editor to readily create scenes, in a particular manner, that are subsequently viewed by an end user, whereas Cook provides already created scenes to the user (such as a student) without disclosing the specifics underlying editing methodology used by the programmer or editor

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to create the scenes. Certainly, Cook does not disclose or suggest the particular editing methodology as claimed in the present invention.

The presently claimed invention provides a solution to a problem that existed with existing editing and authoring tools as described, for example, in paragraphs [0267]-[0268] of the present application, which explain the shortcomings of prior editing work in which the editor would need to have sufficient knowledge of the scripting language to enable editing work done using shared *objects*. Namely, such prior editing tools had the functionality of turning a shared object on or off simultaneously for all scenes, which made it difficult for the editor to utilize a shared object effectively among the various scenes. With the present invention, the editor can now carry out editing work using shared *scenes* and create a final scene that is a result of the selection of shared scenes.

Unlike Cook, which relates to displaying various objects on a screen for interaction by a student or user to approximate a real tutor, the present invention relates to programming, by an editor, done at a *scene* level rather than at an object level. This is a different programming paradigm than the prior art authoring tools and is not discussed or suggested by Cook. The scene creation aspect of the presently claimed invention allows the editor to select individual and multiple specific shared scenes (which scenes are made up of objects) to be used for creating the ultimate or final scenes. For instance, in Figure 16D, shared scenes 1 and 2 are used in combination to form MHEG scene 2.

The presently claimed invention is not rendered obvious by Cook. Cook does not provide or discuss a solution to the specific shared object authoring problem solved by Applicant's invention. Cook provides an end result of supplying to a user a plurality of screens that allows the user of the

system to navigate to different portions of the program. Although Cook displays screens with objects common to multiple screens, as do most web pages on a website, Cook does not teach or suggest editing apparatus or methods that allow an editor to select individual and multiple shared scenes, which are virtual scenes usable as scenes common to a plurality of scenes and which include one or more shared objects sharable among the scenes, to create the ultimate final scenes to be viewed.

To explain how the Examiner has not presented a *prima facie* case of obviousness, Applicant will address the Examiner's comments specifically in the Official Action below.

Page 3, Second Paragraph

The Examiner contends that Cook *discloses* areas --*scenes*--, and subareas, which include textural, graphical, animated and video objects. These areas and subareas, however, are not *shared scenes* as defined in the claimed invention but are rather objects that are simply shown on a screen. Thus, Cook does not disclose or teach content information defining one or more shared scenes or that those scenes are used by an editor in order to create a new, final scene.

The Examiner also contends that the areas contain buttons, such as the buttons in areas 304 and 306, for controlling what is displayed on the screen --*output format of the scene*--. The language "output format of the scene," however, is not found in the currently presented claims and is deleted language from prior claims.

Page 3, Third Paragraph

The Examiner contends that Cook *teaches* the limitations of --*defining a shared object*-- as well as a --*sharable object*--. Again, however, this language is not found in the current claims. The current claims specify that the invention relates to the processing of *shared scenes*, rather than shared objects.

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Page 3, Fourth Paragraph

　　　　The Examiner contends that Cook *teaches* arranging icons in area 306 as --*define shared scenes*-- which is to be used in conjunction with, --*common with*--, and is sharing the screen with other areas, such as the agent persona that adapts or responds to a particular display situation or scene such as the time to start of homework. However, this is not taught by Cook as the arrangement of icons in area 306 is not a shared scene, but rather is the mere display of icons on a screen formed by the software. Cook does not teach or suggest providing to an editor a shared scene, which is already a completed scene, which can then be selected and used in combination with other shared scenes to form the user desired final scene. Again, the mere fact that an object in Cook may be shared among two different screens is not a teaching that either of those screens are shared scenes as claimed by the present invention, which shared scenes are used as editing tools to define an ultimate user desired end scene without regard to programming at the object level.

　　　　The Examiner also alleges that Cook *teaches* the --*common with*-- limitation, but again, the fact that objects are shared among different screens is not what is provided by the claimed invention. Rather, in order to simplify the use of shared elements in different screens, the present invention provides shared scenes, which include objects, that can be selected without regard to specific programming necessary at the object level to ensure that the desired objects are on the desired screens. Thus, instead of worrying about programming on an object-by-object basis, to ensure that the proper objects are on the proper screens, the present invention provides the editor or programmer with shared scenes that already include objects for selection of those particular shared scenes to create the end resulting scenes by the scene creation module.

Further, the Examiner states that Cook teaches the --*virtual scene usable by the plurality of scenes*-- limitation. However, this language is again old language that appeared in prior claims and does not appear in the new claims. The present claim language, rather, calls for the shared scenes being virtual scenes usable as scenes common to a plurality of scenes and including one or more shared objects sharable among the scenes in accordance with the predetermined specification. This limitation is not discussed by the Examiner and is clearly not disclosed nor taught by Cook.

Paragraph Bridging Pages 3 and 4

The Examiner contends that Cook *teaches* the --*shared scene creation module*--. Again, for the reasons explained above, no shared screens are created by Cook for use in enabling an editor to select desired shared scenes to create the final scenes. Rather, in Cook, common objects are merely displayed in various windows or screens in the same way common elements are displayed on web pages on websites.

Page 4, First Full Paragraph

The Examiner contends that Cook teaches to --*select individual and multiple shared scenes*-- through the use of authoring software to produce scripts with object display commands, timing, etc. to display homework content in area 304. The Examiner notes that homework area 304 is used to interact with bookshelf 306 and agent 303. Again, however, no "scenes" are actually first selected in a scene creation step or module by an editor in Cook. Rather, the fact that authoring software has produced displayed objects, and even shared objects, is not the selection of shared *scenes* that already have objects, for use in creating a resultant or final scene without worrying about programming of each individual object that the editor wants to appear in the final scene.

The Examiner notes that Cook fails to explicitly disclose "*shared scene creation module operable to enable the editor to select individual and multiple shared scenes to be used for creating each of the scenes.*" The Examiner contends that it would have been obvious to one of ordinary skill in the art at the time of the invention to have included the claimed shared scene creation module merely because "Cook teaches the benefit of an interactive, and individualized system of instruction offering a high quality of individualized student interaction in a manner to approximate a real tutor (col. 2, lines 4-67)."

However, the scene creation module provided by the present invention has absolutely nothing to do with any benefit taught by Cook of providing a highly individualized student interaction instruction system to approximate a real live tutor. Such a teaching by Cook is totally unrelated to the *editing process* by which an editor needs to present information on a screen at the object level but without worrying about programming for individual objects. Rather, the present invention is directed to eliminate the problem of programming for individual objects and not how interactive or how well a programmer can approximate a real live tutor in a program. Again, the presently claimed invention allows an editor to readily create scenes in a particular manner (from underlying shared scenes) whereas Cook merely provides scenes to the user/student without addressing the issue or problems with the *underlying editing methodology* used by the programmer to create the different scenes. The present invention provides a solution to a problem not even recognized by Cook or its teaching of providing high quality tutoring software.

Page 4, Second Full Paragraph

The Examiner contends that Cook teaches the --*application creation module*-- by teaching an animation

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facility and also teaches *--control information based on said specific shared scenes set by the scene creation module--* by the animation facility interpreting scripts which comprise object display commands, the timing of the object displays, etc. However, again, there are no specific shared scenes set by the editor via the scene creation module in Cook. With the present invention, the editor selects the scenes and the control information is based on the specific shared scenes selected or set by the editor in order to arrive at a final scene.

Page 4, Third Full Paragraph

The Examiner states that Cook teaches, by formatting all of the objects, *--an output control module for converting said control information into shared object control information for forming the scenes created by said scene creation module--*. Again, this is not taught by Cook since in the presently claimed invention, the control information is based on the specific shared scenes set by the editor. In Cook, the mere formatting of objects is not the same as converting the control information (which is defined based on specific shared scenes set by the editor) into shared object control information. This is a fundamental difference between Cook and the presently claimed invention.

The Dependent Claims

All of the dependent claims are also not rendered obvious by Cook for the above reasons described with respect to the independent claims. In addition, the features of the scene creation module set forth in claim 2 are not disclosed, taught or suggested by Cook, nor are dependent claims 5 and 6, which relate to utilizing shared objects based on the specific shared scenes.

The Examiner's Response to Applicant's Arguments (Pages 6-7)

The Examiner contends that the claims are rendered obvious by Cook because, at the time of the invention, it would

have been obvious to one of ordinary skill in the art to have
included the shared scene creation module "because Cook teaches
the benefit of an interactive, and individualized system of
instruction offering high quality of individualized student
interaction in a manner that approximates a real tutor (col. 2,
lns. 4-67)." Again, Applicant notes that the teaching of the
benefit of a program that approximates a real tutor has nothing
to do with the problem addressed by the present invention or the
specific claims providing a solution to the problem. Cook
simply provides no teaching or suggestion of providing an
editing function for creating final scenes as specifically
provided in the claimed invention. As such, the Examiner has
failed to present a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, there
must be shown "some objective teaching in the prior art or that
knowledge generally available to one of ordinary skill in the
art would lead that individual to combine the relevant teachings
of the references." *In re Fine*, 837 F.2d 1071, 1074,
5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). As discussed above,
no such teaching is present in Cook alone and the Examiner has
not presented any additional reference which, even if properly
combinable with Cook, would produce the presently claimed
invention.

In addition to providing suggestion or motivation in
the references themselves, or in the knowledge generally
available to one of ordinary skill in the art, to establish a
prima facie case of obviousness, the prior art reference (or
references when combined) must teach or suggest all of the claim
limitations. *See* M.P.E.P. § 706.02(j). Here, the prior art
reference of Cook does not teach or suggest all of the claim
limitations as explained above. For instance, in claim 1, Cook
lacks: (1) the shared-scene processing module; (2) the shared
scenes; (3) the shared-scene creation module; (4) the scene

creation module; and (5) the application creation module. Similar limitations are likewise missing from the other independent claims.

Conclusion

For the foregoing reasons, it is respectfully submitted that the Examiner has failed to establish a *prima facie* case of obviousness of the claimed invention, as all of the claim limitations are not taught or suggested by the prior art of Cook. Further, the "teaching" relied upon by the Examiner that Cook teaches the benefit of an interactive and individualized system of instruction to provide a program that approximates a real tutor is not a teaching or suggestion of providing the apparatus, computer implemented method and memory device for operating a computer as provided in the presently claimed invention for using shared scenes as scenes common to a plurality of scenes which allows an editor to select individual and multiple specific shared scenes to be used for creating the ultimate final scenes. As such, it is requested that the Examiner withdraw the rejection of the claims as obvious based on Cook.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 9, 2005   Respectfully submitted,

By_____
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